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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062012
Party	Defendant Evory Technologies, Inc.
Correspondence Address	CHI LIU EVORY TECHNOLOGIES INC 1270 N MARINE CORP DR, STE 101-397 TAMUNING, GU 96913-4331 UNITED STATES chi_liu@evorytech.com, liuchi23@hotmail.com
Submission	Reply in Support of Motion
Filer's Name	Chi Liu
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Signature	/LIU, CHI/
Date	07/11/2016
Attachments	Registrants Response to Petitioners Opposition to motion to compel V3.pdf(219126 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JFP GULF GENERAL TRADING LLC,
Petitioner,

vs.

EVORY TECHNOLOGIES, INC.,
Registrant.

Mark: ALISHAN

Cancellation No.:92062012

**REGISTRANT’S RESPONSE TO PETITIONER’S OPPOSITION TO REGISTRANT’S
MOTION TO COMPEL**

Registrant requested Petitioner to propose available dates, locations, and a list of deponents for deposition. However, Petitioner did not respond to Registrant’s proposal till June 20, 2016.

Petitioner claimed that, based on TMBP 404.03(b), The Board “will not order a natural person residing in a foreign country to come to the United States for the taking of his or her discovery deposition, as Petitioner is primarily located in India and its agents, officers and directors are located in India and/or UAE.

De facto, the current locations of Petitioner’s agents, officers and directors in India and/or UAE does not mean that these natural persons are residing in foreign countries. Petitioner’s agents, officers and directors may be United States citizens, United States permanent residents, United States alien workers, and any other available situations while they are currently located in India and/or UAE. Petitioner’s statement disagrees

with the law that Petitioner quoted. **Petitioner used ambiguous statement to mislead the truth.** Even Petitioner's agents, officers and directors are all natural persons residing in foreign countries, they can take a discovery deposition. Based on 37 CFR § 2.120(c)(2), if a foreign party "present within the United States or any territory which is under the control and jurisdiction of the United States, such party may be deposed by oral examination upon notice by the party seeking discovery". **Petitioner purposely ignored the fact and did not clarify if Petitioner's agents, officers and directors are present within the United States or any territory which is under the control and jurisdiction of the United States during the discovery period.**


If Petitioner would like to adopt TMBP 404.03(b), Petitioner should have notify Registrant the names and addresses of Petitioner's agents, officers and directors who are all residing in foreign countries, and their statement of travel records in order to show that they are not present within the United States or any territory which is under the control and jurisdiction of the United States during the discovery period. De facto, Petitioner did not submit above documents and resulted in serious delay in the progress and motion to compel.

After Registrant filed motion to compel, Petitioner ambiguously described that Petitioner's agents, officers and directors are located in India and/or the UAE and did not provide any valuable information to move the case forward. It is clear that Petitioner intended to mislead the truth and delay process by misrepresentation, such as using ambiguous statement, pretending that Petitioner does not know the information, or pretending that Petitioner did not receive the documents.

According to Petitioner' response dated June 20, 2016, Petitioner, including Petitioner's agents, officers and directors, are located in India and/or UAE. So far, Petitioner has not provided any witness and/or evidence to support Petitioner's Trademark Cancellation. Petitioner has not provided any official document to verify its legal status. If Petitioner's agents, officers and directors are neither US residents, nor present within the United States, nor attend any US trade show, Petitioner's claim of "Registrant does not, and has never, used either the Word and/or Logo Mark in commerce" is not objective and lack of evidence. Petitioner's Cancellation process should be dismissed.

Registrant continuously works in good faith with Petitioner to complete all discovery obligations. Unfortunately, Petitioner continued failure to provide full and complete responses to cooperate in arranging depositions. Registrant earnestly hoped that Petitioner do not play on words and attempt to Delay Proceedings.

Dated: July 11, 2016

By: 
CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evry Technologies, Inc.

37 CFR § 2.120(c) (2) Whenever a foreign party is or will be, during a time set for discovery, present within the United States or any territory which is under the control and jurisdiction of the United States, such party may be deposed by oral examination upon notice by the party seeking discovery. Whenever a foreign party has or will have, during a time set for discovery, an officer, director, managing agent, or other person who consents to testify on its behalf, present within the United States or any territory which is under the control and jurisdiction of the United States, such officer, director, managing agent, or other person who consents to testify in its behalf may be deposed by oral examination upon notice by the party seeking discovery. The party seeking discovery may have one or more officers, directors, managing agents, or other persons who consent to testify on behalf of the adverse party, designated under Rule 30(b)(6) of the Federal Rules of Civil Procedure. The deposition of a person under this paragraph shall be taken in the Federal judicial district where the witness resides or is regularly employed, or, if the witness neither resides nor is regularly employed in a Federal judicial district, where the witness is at the time of the deposition.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on July 11, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
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mike@rodenbaugh.com



CHI LIU